
REMARKS

By this amendment, claims 1, 5, 9, 14, 18, 19, 21, 22, 23, 24, and 25 are amended. Claims 1, 2, 4-19, and 21-31 remain for consideration in the application.

General Comments

Hayashi's pallets, each of which requires two of the pallets 9 to hold one disc, drop discs during transport, as they flip. In contrast, the present claims require maintaining the fixed relative positioning of the discs "while the first and second compact discs are engaged by the gripping head." This is not the case with Hayashi, as is made clear in its specification at col. 6, line 65 to col. 7, line 2, which states unambiguously, "Since the empty pallets 9 have been contained within the first and third grooves 25 and 27, respectively, the discs D are dropped onto these empty pallets 9 and are turned over, as shown in FIG. 10 when the rotating frame 22 is rotated." What is clearly described in Hayashi is not what is recited in the present claims. It is clear from a reading of Hayashi that it does indeed drop the discs during a rotation, and therefore does not maintain a fixed relative position as is required.

Further, any single gripping head in Hayashi, such as the element 9 that the Office Action repeatedly states is a gripping head, cannot hold more than one disc at a time. Each element 9 is a pallet as is clearly shown in the specification and the Figures of Hayashi, and each pallet 9 can hold only one disc at a time. In fact, Hayashi requires 2 pallets to even hold and rotate a single disc, as is clearly discussed in the specification of Hayashi, in at least the abstract, and at col. 2, ll. 63-64. Hayashi has at least two different holding locations if it wishes to hold two discs. No single gripping head of Hayashi teaches the elements of the single gripping head of the present claims.

No gripping head 9, as is asserted at page 4-5 of the Office Action in points (c) and (d), engages anything more than a single disc. In fact, Hayashi does not "grip" discs at all. Because of all of these points, even a combination of Balsom and Hayashi does not teach each and every element of the claims.

Still further, the combination of Hayashi and Balsom is inappropriate. Balsom has its own solution for moving discs about the apparatus, and to suggest that a combination of

Balsom and Hayashi that will require extensive modification of the operating principle of Balsom is not supportable.

Rejections Under 35 U.S.C. § 103

Claims 1, 4, 9, 13-18, 19 and 21-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Balsom* (U.S. Patent No. 5,592,596) in view of *Hayashi et al.* (U.S. Patent No. 6,304,525). Claims 1, 9, 14, 18, 19, 21, 22, 23, 24, and 25 have been amended to more clearly recite their subject matter. Specifically, reference to “holding” of disks has been amended to recite “gripping” of disks. The recitation of gripping more accurately conveys the nature of the control the head of the present claims have over the disks. Balsom and Hayashi et al. do not grip the disks in such a manner, and as such, no combination of Balsom and Hayashi et al. . As such, Applicant believes the claims to be allowable. Claims 2, 4-8, 10-17, and 26 depend from and further define one of patentably distinct claims 1, 9, 14, 18, 19, or 25

Claims 27 and 30 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over *Balsom* (U.S. Patent No. 5,592,596) in view of *Hayashi et al.* (U.S. Patent No. 6,304,525). Applicant submits that claims 27 and 30 recite features not present in wither Balsom or Hayashi et al, or any combination thereof. Specifically, claims 27 and 30 recite the gripping locations, discussed in greater detail above, that are not present in either of the references separately or in combination.

Allowable Subject Matter

Claims 2, 5-8, and 10-12, 29 and 31 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 5 has been rewritten to contain all the language of claim 1, and as such is believed allowable.


Claim 28 was indicated as allowable over prior art. Applicant thanks the Examiner for this indication.

CONCLUSION

Applicant believes that the claims are in condition for allowance and respectfully requests a withdrawal of the Final Rejection and a Notice of Allowance be issued in this case. If the Examiner has any questions regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

Date: 30 Oct 2003



Daniel J. Polglaze
Reg. No. 39,801

Attorneys for Applicant
Leffert Jay & Polglaze, P.A.
P.O. Box 581009
Minneapolis, MN 55458-1009
Phone: (612) 312-2200
Fax: (612) 312-2250